



TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
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APPROVED

Board of Selectmen Meeting Minutes

Monday, May 16, 2011 6:00 P.M. Town Offices, 25 Bryant Lane
Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Elizabeth Coughlin, Selectman Allen Curseaden, Selectman Corliss Lambert
Staff Present: Michael Gilleberto, Town Administrator, Therese Gay, Admin Assistant

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

1. 6:00 PM Open Meeting and Pledge of Allegiance

The Vice-chairman opened the meeting and the Board said the Pledge of Allegiance. The members introduced themselves. And the Agenda was read.

2. Reorganization of the Board

The Vice-Chair entertained nominations for Chairman. A motion by Selectman Jackson to nominate Rick Reault for Chairman was second by Selectman Curseaden. With no other nominations the Vice-Chair closes nominations. All are in favor of Selectman Reault as Chairman.

The Vice-Chair entertained nominations for Vice-Chairman. A motion by Selectman Lambert to nominate Robert Jackson for Vice-Chairman was second by Selectman Reault. With no other nominations the vice-Chair closes nominations. All are in favor of Selectman Jackson as Vice-Chairman.

The Vice-Chair entertained nominations for Clerk. A motion by Selectman Lambert to nominate Elizabeth Coughlin for Clerk was second by Selectman Reault. With no other nominations the vice-Chair closes nominations. All are in favor of Selectwoman Coughlin as Clerk.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Curseaden to recess for five minutes. The Board recessed at 6:07 PM. And the Board returned at 6:15 PM.

3. Old Business

• Frost Road Park Policies

The Board discussed the draft of the Frost Road Park Policies by the Recreation Committee have incorporated revisions and send them to Town Counsel for his review and response. The Board received correspondence from the Community Preservation Commission referencing the residency requirement. The Board supports the residency only for the park and add wording to prohibit entering the park by boat and/or swimming. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert to have the park accessible to residents only policy at the Frost Road Riverfront Park and to include working prohibiting entering the park by boat and/or swimming. The Board voted 5-0 on a motion by Selectman Lambert, second by Selectwoman Coughlin to restrict the use of the park to minors or 18 year olds unless supervised by a resident adult and the adult is not to supervise more than 6 minors at one time to be modified as the Board of Selectmen see fit. The Board will ask Town Counsel to give an opinion on the age requirements, what constitute an adult, further review is needed.

- **Building Usage Policies**

The Board deferred the review of the policy till their next meeting to give the members the opportunity to review in private. The Historic Commission is sponsoring an event for Saturday. The Board can use the existing policy for this Saturday. The Board voted 5-0 on a motion by Selectman Curseaden, second by Selectman Jackson to temporarily adopt the Community Room and apply it to the Littlefield Library. The Board voted 5-0 on a motion by Selectman Lambert, second by Selectwoman Coughlin to authorize the Historical Commission to use the building on Saturday.

- **Street Lighting Acquisition**

Selectwoman Coughlin is working with Mr. Woodbury, Consultant, on the purchasing of the street lights. The Town will recognize a significant savings the next step in the process will be to send letters to National Grid notifying them of the Town's intent on purchasing the street lights. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to proceed with the purchase of the street lights and to submit the letters to the utility company.

4. New Business

- **Field Use Policies**

The Field Use Policy has been ratified and signed by the School Committee. There was some discussions on the conditions of the fields and if any residents could use them if not involved with leagues. Residents are allowed to use the fields. The Recreation Dept has assistance from the Highway Dept for upkeep of the fields. This year is the first year that the youth organizations are paying a fee. The Board voted 5-0 on a motion by Selectman Lambert, second by Selectman Curseaden to approve the policy as written.

- **Set Hearing Dates**

- **Carrabba's Italian Restaurant**
- **Outback Steak House Restaurant**
- **Smokey Bones Barbeque and Grill**

The Board received three requests for hearings; after reviewing the request the Board set Monday June 13, 2011 for the three hearings.

The Board voted 5-0 on a motion by Selectman Lambert, second by Selectman Jackson for a two minute recess. The Board recessed at 7:14 PM and reconvened at 7:26 PM. To meet with the Finance Committee to discuss budgets and the annual town meeting warrant articles.

- **Photovoltaic Program**

The Selectmen returned at 9:20PM to continue with the evening's posted agenda items. Selectwoman Coughlin presented the photovoltaic a solar program that is being considered. The program offsets the use of the current utility. The Town Administrator and Selectwoman are in continuing discussions with DCS Energy. The Building Commissioner is to identify which property can be used. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Curseaden to move forward with this project

5. 7:00 P.M. Joint Meeting with the Finance Committee

The Finance Committee, in session joined the Board of Selectmen to discuss the FY2012 budget and warrant articles in preparation for the Tuesday June 7, 2011 Town Meeting.

- **FY 2012 Budget**

Discussion began with a presentation by Fire Chief Tim Madden, he has informed the Committee and the Board of a need for a new fire truck, fire engine no. 7 is now out of service because it is 20 years old and has failed the state inspection. The new fire truck will need to be specific in order to fit in Fire Station 2 the replacement cost will be \$200,000 for a straight pumper. The Chief has look at all possible avenues and the only feasible and less costly is to replace with a new engine. The Board and Finance Committee will review the request and will call a Capital Asset Committee meeting to discuss and address the request. The Committee and Board discussed the changes in Article 5 some of the departments that were cut in previous discussion have been restored. The

Board suggests using the \$499,000 from free cash to help balance the 2012 budget. The Finance Committee voted 4-0-1 to support the Article 5 changes. The Board of Selectmen voted 5-0 on a motion by Selectman Jackson, second by Allen Curseaden to support the recommendation the Town Administrator and supported by the Finance Committee.

- **Annual and Special Town Meeting Warrant**

- **Review Warrant Articles**

Article 11. Accept Chapter 90 Money. The Finance Committee voted 5-0 on a motion by Member Mullin, second by Member Geyer to recommend Article 11. The Board of Selectmen voted 5-0 on a motion by Selectman Jackson, second by Selectman Curseaden to recommend article 11.

Article 12. This Article is the 531/2 accounts submitted by various departments. The Board and Committee will discuss at next weeks meeting.

The Board has placed a new article on the warrant. This article is to use the funds from a donation from a developer to offset the expenses for the Recreation, and Public Safety departments. The Finance Committee voted 4-0-1 on a motion by Member Mullin, second by Member Griffin to recommend this new article. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Curseaden to recommend this new article. Articles 29 to 34 are citizen's petitions and the author of this articles will make a presentation on town meeting floor.

- **Meet with Representative of Department, Boards and Committees**

- **Community Preservation Commission**

Finance Member Geyer is also a Member of the Community Preservation Committee. Ms Geyer was presenting the articles for the CPC and did not vote as a Finance Committee Member on the recommendations.

Articles 13 to 18. Various articles placed on the warrant by the Community Preservation Committee. The Committee's Chairperson Ms. Linda Geyer was in attendance to present the articles. Article 13 is the committee's operating budget. The Finance Committee voted 4-0-1 on a motion by member Mullin, second by Member Griffin to recommend article 13.

Article 15. A transfer from the Sherburne House Fix It account to construct a boardwalk for the nature trail. The Finance Committee voted 4-0-1 on a motion by Member Mullin, second by Member Griffin to recommend article 15. The Board of Selectmen voted 5-0 on a motion by Selectman Jackson, second by Selectman Curseaden to recommend article 15.

Article 17. Bluebird Houses. The CPC are having some bluebird houses built to place on the Greene Property. It is hoped that the houses and the blue bird that they attract will be used for viewing by school children. The Finance Committee voted 4-0-1 on a motion by Member Mullin, second by Member Griffin to recommend article 17. The Board of Selectmen voted 5-0 on a motion by Selectman Curseaden, second by Selectwoman Coughlin to recommend article 17.

Article 18. Funds needed to finish the Frost Road Park. The Finance Committee voted 3-0-2 on a motion by Member Mullin, second by Member Griffin to recommend article 18. The Board of Selectmen voted 5-0 on a motion by Selectman Lambert, second by Selectwoman Coughlin to recommend article 18. Article 24 Stabilization, the Board and Finance Committee will make their recommendations on Town Meeting floor. Article 25 this article will is to transfer the sum of \$200,000 from Capital Stabilization Account to the operating budget. The Finance Committee voted 5-0 on a motion by Member Mullin, second by Member Griffin to recommend article 25. The Board voted 5-0 on a motion by Selectman Lambert, second by Selectman Jackson to recommend article 25.

- **Historic Commission**

Article 14. The Town is borrowing \$2.5 million dollars for the renovations of the Old Town Hall. Ms. Linda Geyer chair of the CPC presented articles 14 and 16 for the Historic Commission. The Finance Committee voted 4-0-1 on a motion by member Mullin, second by member Griffin to recommend article 14 as presented. Article 16. The Historic Commission wants to archive the Historic Commission's records. The Finance Committee voted 4-0-1 on a motion by Member Mullin, second by Member Griffin to recommend article 16. The Board of Selectmen voted 5-0 on a motion by Selectman Jackson, second by Selectwoman Coughlin to recommend article 16.

- **School Committee**

Selectman Curseaden returned to the meeting.

Articles 19 – 23. The Chair of the School Committee Hillari Wennerstrom and Superintendent Don Ciampa were in attendance to present their articles. The Committee wants to lease the Early Childhood Center. It would be a good use of an empty building and the committee will be able to use a portion of the building. It would help with the maintenance and repair of the building. Article 20 would set up an account for the lease and that the monies would be used for maintenance. Articles 21 to 23 will be discussed at the School Committee's meeting when the committee will discuss withdrawing the articles. The Finance Committee and the Board will vote on Monday the 23rd whether to recommend.

▪ **Sewer Commission**

Selectman Curseaden left the room.

Article 10. Sewer Chairman Jeff Hannaford was present to give an overview of the Sewer Department's budget. He reviewed the operating budget, the capital expenditures and spoke about the increases in the intramunicipal agreements with Dracut, Chelmsford and Lowell. Mr. Hannaford also answered the question on the residents using sump pumps that are being discharged in the sewer system. The Finance Committee voted 5-0 on a motion buy Member Geyer, second by Member Mullin to recommend Article 10. The Board of Selectmen voted 4-1 on a motion by Selectman Lambert, second by Selectman Jackson to recommend Article 10.

▪ **Zoning Board of Appeals**

The Zoning Board of Appeals is requesting the town accept a donation from a contractor. The Finance Committee and the Board of Selectmen will review Article 26 at their next meeting.

The Finance Committee voted 5-0 on a motion by Member Mullin, second by Member Griffin to adjourn their meeting. The Committee adjourned at 9:20 PM.

6. Citizen/Business Time – No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

7. Pending Meeting Minutes

• **Regular Session**

- February 28, 2011 (revision completed)
- April 20, 2011 (approved)
- April 25, 2011 (completed)
- April 26, 2011 (not completed)
- April 29, 2011 (not completed)
- May 2, 2011 (not completed)
- May 9, 2011 (not completed)

• **Executive Session**

- April 20, 2011 (approved)
- April 25, 2011 (approved)

The Board have deferred the minutes to the Monday May 23rd meeting.

8. Correspondence

Correspondence is posted at www.tyngsboroughma.gov with approved meeting minutes, per the requirements of the Massachusetts Open Meeting Law.

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert to accept the correspondence as read for discussion. Discussion – Selectman Curseaden mentioned that the Board voted on the Littlefield Library's use and to follow the present municipal building use policy for the yard sale event. Selectman Lambert read the yard sale notice and Selectwoman Coughlin congratulated the Eagle Scout on his project and read the invitation of the Bicentennial Field opening.

9. Selectmen's Reports

- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Insp/Utilities

The energy initiative on ongoing and making progress the Dept of energy Resources have planned the Smart Shop Workshop, a training session for contractors, on Wednesday June 22, 2011 at the town hall community room.

- Selectman Reault – Northern Middlesex Council Of Government

Attended the meeting this past Wednesday; the will be a preconstruction meeting for the relocation project.

- Selectman Jackson – Insurance Committee/Meeting Minute Status

The Insurance Committee is waiting for quotes on the property and liability insurance. The Senior Work off Program is moving forward. He would also like to see if the departments could use volunteers from the High School.

- Selectman Curseaden – The first meeting
- Selectman Lambert – Favorable on the way things went. Attended the Wanalancit rededication on Saturday it was a good program and was well attended.

10. Town Administrator's Reports

The Administrator will attend the MASS DOT preconstruction meeting, all the concerns were addressed. Eagle Scout Connor Brady is to donate the pole and lighting at the Bicentennial Field. The Field Use Committee has voted to accept the gifts. The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to accept and support the project.

11. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Litigation

The Board voted on a motion by Selectman Jackson, second by Selectman Lambert to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations as an open meeting may have a detrimental effect on such subject matters and to return to open session only to adjourn. Roll Call Vote: Selectman Lambert, yes; Selectman Curseaden, yes; Selectwoman Coughlin, yes; Selectman Jackson, yes; Selectman Reault, yes. The Board entered into executive session at 9:50 P.M.

12. Adjournment

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman Coughlin to adjourn the meeting. The meeting adjourned at 11:15 P.M.

Respectfully Submitted

Therese Gay

Approved on Monday June 27, 2011



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Board of Selectmen Agenda

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3. Old Business

- **Frost Road Park Policies**
- **Building Usage Policies**
- **Street Lighting Acquisition**

4. New Business

- **Field Use Policies**
- **Set Hearing Dates**
 - **Carrabba's Italian Restaurant**
 - **Outback Steak House Restaurant**
 - **Smokey Bones Barbeque and Grill**
- **Photovoltaic Program**

5. 7:00 P.M. Joint Meeting with the Finance Committee

- **FY 2012 Budget**
- **Annual and Special Town Meeting Warrant**
 - **Review Warrant Articles**
 - **Meet with Representative of Department, Boards and Committees**
 - **Community Preservation Commission**
 - **Historic Commission**
 - **School Committee**
 - **Sewer Commission**
 - **Zoning Board of Appeals**

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- Selectman Jackson – Insurance Committee/Meeting Minute Status
- Selectman Curseaden –
- Selectman Lambert –

10. Town Administrator's Reports

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

11. Executive Session

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- Collective Bargaining
- Litigation

12. Adjournment

Future Meetings

Selectmen's Meeting, Monday, May 23, 2011 at 6:00 PM at the Town Offices

Selectmen's Meeting, Monday, June 6, 2011 at 6:00 PM at the Town Offices

Annual and Special Town Meeting

Tuesday, June 7, 2011

7PM

Tyngsborough Elementary School

205 Westford Road.

[illegible]